

PROGRAM INTEGRITY REQUEST FOR REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 -10 of the form. Use a separate form for each policy interpretation request. Retain a copy of the Word Document for your records, and submit via email to: PIBPolicy@dss.ca.gov.

1. REQUESTOR NAME: Jackie Houston	5. COUNTY: San Diego
2. PHONE NO: (858) 637-5835 EMAIL: jackie.houston@sdcounty.ca.gov	6. SUBJECT: TOP Overpayments < \$15
3. REGULATION CITE(S): GOV § 50055; GOV § 50050; MPP § 20-408	7. REFERENCES: (ACLs/ACINs, COURT CASES Etc.)
4. DATE OF REQUEST: 08/31/2017	8. DATE RESPONSE NEEDED: 09/08/2017

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

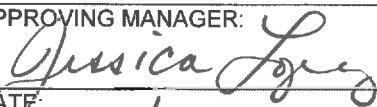
Can a County Welfare Department (CWD) transfer overpayments less than \$15 to the debtor's other charges before escheating without written permission?

10. REQUESTOR'S PROPOSED ANSWER:

IRS rules say that we must have written permission to transfer monies to other debt. Government Code gives the authority to escheat amounts less than \$15 which remain unclaimed after one year. Therefore, in the event that a Tax Offset Program (TOP) overpayment check can not be delivered (after taking steps outlined in MPP § 20-408), can a CWD transfer funds under \$15 to debtor's other charges before escheating without written permission.
Proposed Answer: TOP overpayments less than \$15 can be transferred to other outstanding debt for the same individual without written permission.

11. CDSS RESPONSE:

No. Per GOV § 50055, during the one year grace period (for funds under \$15), up until the point of actual escheatment, the excess funds continue to legally belong to the debtor and written permission must be obtained to transfer the monies to other debt. This shall be followed for all amounts including those below and above \$15 (for escheatment guidance on amounts over \$15, see GOV § 50050).

PROGRAM INTEGRITY ANALYST: Cassandra Wagner	APPROVING MANAGER: 
DATE:	DATE: 3/1/2018

DATE RESPONSE RECEIVED/LOG # (CDSS Use Only):

PI 18-10 02/01/2018

Please note: The policies expressed in this response are based on the unique set of facts presented and should not be presumed to apply in other situations.